

California Association of Sanitation Agencies

California Section of WaterReuse

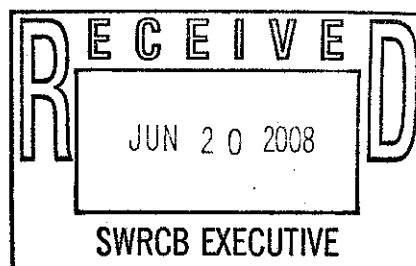
Tri-TAC

Public Comment
Strategic Plan Update
Deadline: 6/20/08 by 12

June 20, 2008

Via Electronic Mail & Facsimile

Tam Doduc, Chair and Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Attn: Jeanine Townsend, Clerk to the Board
(commentletters@waterboards.ca.gov)

RE: **Comments on the Draft Strategic Plan Update 2008-2012
(May 30, 2008 Version)**

Dear Chair Doduc and Members of the Board:

The California Association of Sanitation Agencies (CASA), the California Section of the WaterReuse Association (WaterReuse) and Tri-TAC appreciate the opportunity to submit these comments on the May 30, 2008 version of the draft *Strategic Plan Update 2008-2012 (Strategic Plan)*. Each of our three associations is committed to assuring clean water and a reliable water supply for California.

We concur with the Water Board's assessment that California must increase the use of recycled water to ensure that the State's water resources will be sufficient to satisfy future demands. In 2003, California's Recycled Water Task Force identified inconsistent and overly burdensome state regulatory requirements as a major barrier to increased use of recycled water. The Task Force also identified the need for additional funding for recycled water projects and research, as well as public outreach and education programs that address public perceptions about water reuse. These are all areas where the Water Board can offer important and effective leadership without introducing new regulatory mandates. Our comments focus on the sections of the proposed Strategic Plan that implicate water recycling—those dealing groundwater protection and promotion of sustainable water supplies.

Protection of Groundwater

In our previous comments, our Associations emphasized the importance of a more collaborative interagency approach in implementing the groundwater program priority. We were pleased to see that the Water Board has added language to the draft Strategic Plan to strengthen the partnerships with other state agencies such as the Department of Water Resources and the California Department of Public Health. The revisions to the Strategic Plan, however, do not address the barriers created by the current regulatory view of recycled water irrigation and groundwater recharge as a discharge of waste. We reiterate our request that the Strategic Plan focus on preventing contamination and the discharge of contaminants that affect beneficial uses rather than on "discharges." We believe many participants in the stakeholder workshops shared this view.

Promoting Sustainable Water Supplies

We continue to be concerned about the focus in the Strategic Plan on using regulatory authority to develop and implement water recycling plans. (Action 3.2.1.) While we understand from conversations with staff that this approach is intended to be comprehensive and that the Water Board will look to its "waste and unreasonable use" authority to effect change amongst water agencies as well as wastewater agencies, we continue to believe the regulatory approach will by necessity be inconsistently applied and ultimately ineffective because not all project partners will be subject to regulatory review in a timely and comprehensive manner.

Each urban water supplier is already required to prepare a plan for "optimizing the use of recycled water" within its service area, including a set of actions to facilitate the installation of dual distribution systems and to "overcome any obstacles" to achieving the increased use. (Water Code §10633(g).) The plans must also describe the actions to be taken to facilitate and incentivize recycled water use, and the projected use of recycled water over a 20 year planning horizon. (Water Code §§10633(e), (f).)

Our Associations firmly believe that Water Board's highest and best role in encouraging water recycling is one of leadership and not one of opportunistic regulation and enforcement. It is not productive to require addition parallel planning exercises by the wastewater agencies when current planning exists and is not being fully leveraged. Instead, the Strategic Plan should call for a collaborative effort similar to that envisioned for stormwater reuse that will focus on bringing identified recycled water supplies on line in timely fashion. (Action 3.2.2) We recommend that Action 3.2.1 be replaced with the following:

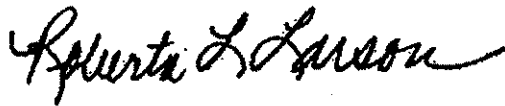
Work with recycled water producers, water suppliers, the Department of Water Resources and other stakeholders to review the information contained in the Recycled Water Optimization Plan component of Urban Water Management Plans to improve understanding of the obstacles to water recycling and to develop

a set of actions that will assist water suppliers in meeting the recycled water projections and targets contained in the plans.

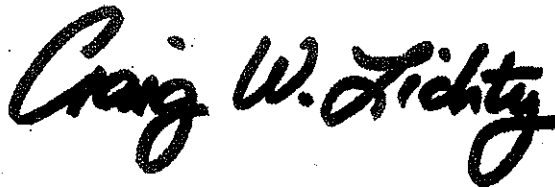
This approach allows the Water Board to work collaboratively to develop locally appropriate actions in response to locally developed plans. This may include locally appropriate regulatory action, but that would be only one of a number of tools that the Water Board could apply. The Water Board's role in increasing regulatory certainty, providing funding and assisting with public education that could also be employed, where appropriate. We urge the Water Board to emphasize collaboration and leadership before resorting to regulatory authority. To date every recycled water project in the State has been developed as a result of local initiative, and local partnerships. Fostering the development of local projects is the appropriate role of the Water Board.

Thank you for your consideration of our comments.

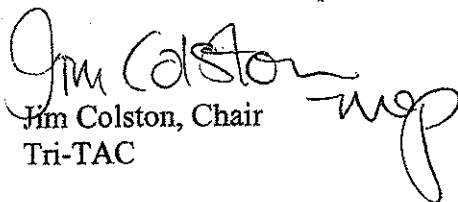
Sincerely,



Bobbi Larson, Director of Legal & Regulatory Affairs
CASA



Craig Lichty, President
California Section of WaterReuse



Jim Colston, Chair
Tri-TAC